

Appl. No. 10/718,231

Amdt. Dated May 9, 2005

Reply to Office Action of February 7, 2005

REMARKS:

Applicant appreciates the time and care the Examiner has taken in examining the application.

Amendments. In making the amendments, care has been taken to avoid introduction of new matter and to ensure the claims remain supported by the specification.

It is submitted that the claim objection has been met by the amendment above, wherein the objected-to clause in claim 1 has been deleted.

It is noted that Claims 2 and 4 were found to be allowable, pending resolution of the examiner's claim objection. The limitation "areas of the first light receiving area and the second light receiving area are changed in accordance with the distance from the reflector to the surveying machine body" has been moved to claim 1 from claim 2, which has been cancelled. Thus, amended claim 1 is submitted to be allowable. Claim 4, also found allowable, has been amended to be an independent claim reflecting the combined contents of claim 1 and claim 4.

Section 103(a) Rejection. The rejection under Section 103(a) is respectfully traversed for at least the following reasons. The light receiving portions disclosed in the both of the cited references, U.S. Patent No. 4,713,533, *Bremer, et al.*, and U.S. Patent No. 5,313,409, *Wiklund et al.*, are light receiving sensors simply divided into a plurality of light receiving areas, and the areas of these light receiving areas cannot be changed in accordance with the distance from the reflector to the surveying machine body. Moreover, the light receiving portions disclosed in the both of the

cited references cannot specify the reflection light image by recognizing the shape and the size of the reflection light image, and the accurate position, other than the center.

In contrast, in the light receiving portion of the instant invention as claimed, the areas of the light receiving areas can be changed in accordance with the distance from the reflector to the surveying machine body; the light receiving portion of the present invention has an image sensor having a plurality of pixels. In addition, the size and the shape of the light image can be recognized and stored by using the image sensor.

It is therefore submitted that the cited art neither discloses nor fairly suggests the claimed invention, that the claims are allowable over the cited references, and that all requirements, rejections and objections have been met. Early, favorable treatment of this application is requested.

Authorization is hereby provided to charge any fees, or credit any overpayment, in connection with this transmittal to Deposit Account No. 50-0305 of Chapman and Cutler LLP, including charging of fees for any necessary extension of time, which is hereby requested. The examiner is encouraged to telephone the undersigned attorney for applicant with any questions or comments.

Respectfully submitted,



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Date: May 9, 2005
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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8

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Correspondence Attached: Amendment and Response to Second Office Action

I hereby certify that the attached correspondence referenced above was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: Brenda A. Walton
Typed Name of Person Signing this Certificate: Brenda A. Walton

Date of Signature: May 9, 2005